

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

CHAD EVERETT JOHNSTON, §  
#01102338

VS. § CIVIL ACTION NO. 6:09cv41

DIRECTOR, TDCJ-CID §

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report.

This Court made a *de novo* review of Petitioner's objections. Petitioner contends that he is entitled to equitable tolling; however, he has not shown rare and exceptional circumstances to entitle him to equitable tolling of his claims.

This Court has determined that Petitioner's objections lack merit. This Court finds that the Magistrate Judge's conclusions are correct, and adopts them as the Court's findings and conclusions.

The Court therefore

**ORDERS, ADJUDGES, and DECREES** that this action is **DISMISSED WITH PREJUDICE**;

**ORDERS** that Petitioner is **DENIED** a certificate of appealability; and,

**ORDERS** that all motions not previously ruled on are denied.

**So ORDERED and SIGNED** this 14th day of April, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**